

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

V.

ALI DANIAL HEMANI

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CASE NO. 4:23-CR-18
Judge Mazzant

ORDER

On February 16, 2023 and March 9, 2023, the Defendant appeared for a detention hearing in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), before United States Magistrate Judge Kimberly Priest Johnson. After conducting the hearings, the Magistrate Judge signed an order of detention on March 21, 2023 (Dkt. #31). On April 5, 2023, the Defendant filed a Motion for Revocation or Amendment of Detention Order Pending Judicial Proceedings (Dkt. #36). On April 24, 2023, the Government filed a response (Dkt. #39). In its response, the Government argued, among other contentions, that the Defendant failed to timely file his motion. “A defendant must seek review of a magistrate judge's detention order within fourteen days as prescribed by FED. R. CRIM. P. 59(a), or the ‘right to review is waived, and review by the district court following such a waiver is discretionary and not a matter of right.’” *United States v. Pineda-Diaz*, 3:20-CR-004-S, 2020 WL 2747421, at *1 (N.D. Tex. May 26, 2020), citing *United States v. Watts*, Crim. No. 3:09-CR-249-D (09), 2010 WL 11452009, at *1 (N.D. Tex. June 25, 2010) (internal citation omitted). In his reply, (Dkt. #40), the Defendant acknowledged that he failed to timely ask the district court to review the magistrate judge’s detention order. In light of this, the Defendant is now asking the Magistrate Judge to reopen the detention hearing based on the discovery of new evidence. Having considered the Defendant’s request, the Court returns this matter to the Magistrate Judge to decide whether to reopen the detention hearing.

IT IS SO ORDERED.

SIGNED this 16th day of May, 2023.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE